



SFW

ASB

PATENT

Attorney Docket No. 07781.0207-00
SAP Reference No. 2002P00043WOUS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Georg PODHAJSKY et al.) Group Art Unit: 3684
)
Application No.: 10/525,732) Examiner: Nancy T. MEHTA
)
Filed: February 3, 2006) Confirmation No.: 8294
)
For: BUSINESS APPLICATION)
GENERATION SYSTEM)

Attention: Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPEAL BRIEF UNDER BOARD RULE § 41.37

In support of the Notice of Appeal filed November 3, 2009, and further to Board Rule 41.37, Appellants present this brief and enclose herewith the fee of \$540.00 required under 37 C.F.R. § 1.17(c). This Appeal responds to the Final Office Action mailed August 17, 2009, which finally rejected claims 1, 3-9, 12-14, 17, 18, 20, 22-28, 30-33, 36, and 37.

If any additional fees are required or if the enclosed payment is insufficient, Appellants request that the required fees be charged to Deposit Account No. 06-0916.

12/31/2009 LNGUYEN1 00000053 10525732

01 FC:1402

540.00 0P

TABLE OF CONTENTS

I. Real Party in Interest	3
II. Related Appeals and Interferences.....	4
III. Status of Claims.....	5
IV. Status of Amendments	6
V. Summary of Claimed Subject Matter.....	7
VI. Grounds of Rejection.....	13
VII. Argument.....	14
VIII. Claims Appendix to Appeal Brief Under Rule 41.37(c)(1)(viii)	18
IX. Evidence Appendix to Appeal Brief Under Rule 41.37(c)(1)(ix)	28
X. Related Proceedings Appendix to Appeal Brief Under Rule 41.37(c)(1)(x)	29

I. Real Party in Interest

The real party in interest is SAP AG, the assignee of record.

II. Related Appeals and Interferences

There are currently no other appeals or interferences, of which Appellant, Appellant's legal representative, or the assignee are aware, that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. Status of Claims

Claims 1, 3-9, 12-14, 17, 18, 20, 22-28, 30-33, 36, and 37 remain pending in this application.

Claims 2, 10, 11, 15, 16, 19, 21, 29, 34, 35, and 38 were cancelled.

In the Advisory Action mailed October 27, 2009, the Examiner maintained that claims 1, 14, 18, 20, 33, and 37 are rejected under 35 U.S.C. § 112, second paragraph. The Examiner also maintained that claims 1, 3-9, 12-14, 17, 18, 20, 22-28, 30-33, 36, and 37 are rejected under 35 U.S.C. § 101. The Examiner further rejected claims 1, 3-9, 12-14, 17, 18, 20, 22-28, 30-33, 36, and 37 under 35 U.S.C. § 103(a), as being allegedly unpatentable over U.S. Patent Application Publication No. 2002/0092004 to Lee, et al. ("*Lee*"). Accordingly, the final rejection of claims 1, 3-9, 12-14, 17, 18, 20, 22-28, 30-33, 36, and 37 is being appealed and a list of the claims on appeal is found in the attached Claims Appendix.

Furthermore, each claim of this patent application is separately patentable, and upon issuance of a patent will be entitled to a separate presumption of validity under 35 U.S.C. § 282.

IV. Status of Amendments

In the Advisory Action mailed October 27, 2009, the Examiner indicated that the amendments to claims 1, 14, 18, 20, 33, and 37 that were proposed in the Amendment After Final of October 7, 2009, would be entered for purposes of appeal. Thus, all claim amendments are deemed entered for this appeal.

V. Summary of Claimed Subject Matter

The subject matter set forth in independent claim 1 relates to a business application generation system that comprises a central processing unit. See, for example, specification, paragraph [0018]. See also element 14 of Fig. 1. The system further includes a repository comprising a set of meta data that comprises structured information on a business process. See, for example, specification, paragraph [0018]. The structured information further comprises information on functions operating on business process data. See, for example, specification, paragraph [0025]. Furthermore, the system includes a generation tool comprising a first tool and a second tool. See, for example, specification, paragraph [0020]. The first tool further comprises a meta data dependent passer element and the second tool comprises a meta data independent generating element. See, for example, specification, paragraph [0020]. The generation tool further generates, based on at least said set of meta data in the repository, a customized business process application for the business process. See, for example, specification, paragraph [0021]. Moreover, the system includes an input/output means for treating the set of meta data in the repository and for invoking the generation tool. See, for example, specification, paragraph [0026]. The interface 16 stated on paragraph [0019] provides an example of the claimed means. The input/output means further includes a workbench enabling customization of the set of meta data to generate customized meta data in the repository. See, for example, specification, paragraph [0019]. Furthermore, the workbench enables an invocation of the generation tool by initiating an import of the customized meta data into the passer element. See, for example, specification, paragraph [0023]. The passer element

further processes the customized meta data for input to the generating element. See, for example, specification, paragraph [0024]. Moreover, the processing interprets a semantical content of the customized meta data. See, for example, specification, paragraph [0024]. The processing further includes translating the semantical content of the customized meta data into customized business process data for input into the generating element. See, for example, specification, paragraph [0024]. Further, the processing includes the generating element generates, on the basis of the processed meta data, program code for the customized business process application. See, for example, specification, paragraph [0027].

The subject matter set forth in independent claim 14 relates to a computer-based method, comprising the step, performed by a computer, of providing a set of meta data that comprises structured information on a business process. See, for example, specification, paragraph [0025]. The structured information further comprises information on functions operating on business process data. See, for example, specification, paragraph [0018]. The step further includes customizing the set of meta data via an input/output means before the meta data is imported into a generation tool that comprises a meta data dependent passer element and a meta data independent generating element for generating a customized business software application. See, for example, specification, paragraph [0026]. The step further includes importing the customized meta data comprising information on functions into the passer element of the generation tool. See, for example, specification, paragraph [0018]. Moreover, the step includes processing the customized meta data imported into the generation tool in the meta data dependent passer element. See, for example, specification, paragraph

[0024]. The processing further comprises interpreting a semantical content of the customized meta data. See, for example, specification, paragraph [0018]. Moreover, the process translates the semantical content of the customized meta data into customized business process data for input into the generating element. See, for example, specification, paragraph [0024]. The process further inputs the processed meta data into the generating element. See, for example, specification, paragraph [0026].

The subject matter set forth in independent claim 18 relates to a computer program product comprising a computer readable storage medium storing instructions that, when executed by a processor, perform a method comprising steps, performed by the processor of customizing a set of meta data comprising information on functions via an input/output means before the meta data is imported into a generation tool. See, for example, specification, paragraph [0018]. The generation tool comprises a meta data dependent passer element and a meta data independent generating element. See, for example, specification, paragraph [0005]. The step further includes importing the customized meta data into the passer element of the generation tool. See, for example, specification, paragraph [0023]. Furthermore, the step, on the basis of the set of meta data, includes processing the customized meta data in the passer element, inputting the processed meta data in the generating element, and generating a customized business software application based on the processed metadata. See, for example, specification, paragraph [0026]. The processing further comprises interpreting a semantical content of the customized meta data. Moreover, the processing includes translating the

semantical content of the customized meta data into customized business process data for input into the generating element. See, for example, specification, paragraph [0024].

The subject matter set forth in independent claim 20 relates to a business application generation system that comprises a central processing unit. See, for example, specification, paragraph [0018]. See also element 14 of Fig. 1. The system further includes a repository comprising a set of meta data that comprises structured information on an existing business process and on functions operating on data of the existing business process. See, for example, specification, paragraph [0018]. Moreover, the system includes a generation tool comprising a first tool and a second tool. See, for example, specification, paragraph [0020]. The first tool is a meta data dependent passer element and the second tool is a meta data independent generating element. See, for example, specification, paragraph [0020]. The generation tool generates, based on at least the set of meta data in the repository, a customized adapted version of an existing business process application. See, for example, specification, paragraph [0021]. The system further includes an input/output means for treating the set of meta data in the repository and for invoking the generation tool. See, for example, specification, paragraph [0026]. The input/output means is a workbench enabling customization of the set of meta data to generate customized meta data in the repository. See, for example, specification, paragraph [0019]. The workbench further enables an invocation of the generation tool by initiating an import of the customized meta data into the passer element. See, for example, specification, paragraph [0023]. Further, the passer element processes the set of customized meta data for input to the generating element. See, for example, specification, paragraph [0024]. The processing

further comprises interpreting a semantical content of the customized meta data. See, for example, specification, paragraph [0024]. The processing further includes translating the semantical content of the customized meta data into customized business process data for input into the generating element. See, for example, specification, paragraph [0024]. The processing further includes generating element generates, on the basis of the set of processed meta data, program code for the customized adapted version of the existing business process application. See, for example, specification, paragraph [0027].

The subject matter set forth in independent claim 33 relates to a computer-based method, comprising the step, executed by a computer, of providing a set of meta data comprising structured information on a business process. See, for example, specification, paragraph [0025]. The structured information further comprises information on functions operating on business process data. See, for example, specification, paragraph [0018]. The step further includes customizing the set of meta data via an input/output means before the meta data is imported into a generation tool that comprises a meta data dependent passer element and a meta data independent generating element for generating a customized adapted business software application. See, for example, specification, paragraph [0026]. Further, the step includes importing the customized meta data comprising information on functions into the passer element of the generation tool. See, for example, specification, paragraph [0018]. The step further includes processing the customized meta data imported into the generation tool in the passer element. See, for example, specification, paragraph [0024]. The processing further comprises interpreting a semantical content of the customized meta

data. See, for example, specification, paragraph [0018]. Moreover, the processing includes translating the semantical content of the customized meta data into customized business process data for input into the generating element. See, for example, specification, paragraph [0024]. The processing further includes inputting the processed meta data into the generating element. See, for example, specification, paragraph [0026].

The subject matter set forth in independent claim 37 relates to a computer program product comprising a computer readable storage medium storing instructions that, when executed by a processor, perform a method comprising the step, performed by a processor, of customizing a set of meta data via an input/output means before the meta data is imported into a generation tool that comprises a meta data dependent passer element and a meta data independent generating element. See, for example, specification, paragraph [0018]. The step further includes importing the customized meta data into the meta data dependent passer element of the generation tool. See, for example, specification, paragraph [0023]. Furthermore, on the basis of the set of meta data, the step includes processing the customized meta data in the passer element, inputting the processed meta data in the generating element, and generating a customized adapted business software application based on the processed meta data. See, for example, specification, paragraph [0023]. Moreover, the processing comprises interpreting a semantical content of the customized meta data. See, for example, specification, paragraph [0024]. The processing further includes translating the semantical content of the customized meta data into customized business process data for input into the generating element. See, for example, specification, paragraph [0024].

VI. Grounds of Rejection

- A. Claims 1, 14, 18, 20, 33 and 37 under 35 U.S.C. § 112, second paragraph.
- B. Claims 1, 3-9, 12-14, 17, 18, 20, 22-28, 30-33, 36, and 37 are rejected under 35 U.S.C. § 101.
- C. Claims 1, 3-9, 12-14, 17, 18, 20, 22-28, 30-33, 36, and 37 are rejected under 35 U.S.C. § 103(a), as being allegedly unpatentable over U.S. Patent Application Publication No. 2002/0092004 to Lee, et al. ("*Lee*").

VII. Argument

The Board Should Reverse the Rejection Under 35 U.S.C. § 112, Second Paragraph

Appellants respectfully request the Board to reverse the Examiner's rejections of claims 1, 14, 18, 20, 33, and 37 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Appellants regard as the invention. The Advisory Action alleges that the claimed limitation "'said business process application' ... leads to antecedent basis problem," as recited in claim 1. Advisory Action, p. 2. This is incorrect. Claim 1 recites, among others, "said customized business process application," which is clearly referring to "a customized business process application," as earlier recited in claim 1. As such, Appellants submit that claim 1 is definite under 35 U.S.C. § 112, second paragraph. Independent claims 14, 18, 20, 33, and 37, although differing in scope from independent claim 1, recite similar elements, and the rejection of these claims should be withdrawn for at least reasons similar to those set forth above for independent claim 1.

The Board Should Reverse the Rejection Under 35 U.S.C. § 101

Appellants respectfully request the Board to reverse the Examiner's rejections of claims 1, 3-9, 12-14, 17, 18, 20, 22-28, 30-33, 36, and 37 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Advisory Action alleges that "applicant's amendments ... do[] not show clearly that **each step** in the method claims is bei[ng] carried by computer" (emphasis added). Advisory Action, p.2. Appellants note that "each step" in a statutory method claim need not be carried out by a computer. According to In re Bilski, "a claimed process is purely patent-eligible under §101 if (1) it is tied to a particular machine or apparatus, or (2) it transforms a particular article into a

different state or thing.” In re Bilski, 545 F.3d 943, at 954. Independent claim 1 recites “a central processing unit,” which includes statutory subject matter under In re Bilski. Independent claim 14 recites “steps ... performed by a computer,” which includes statutory subject matter under In re Bilski. Independent claim 18 recites “steps ... performed by a processor,” which includes statutory subject matter under In re Bilski. Independent claim 20 recites “a central processing unit,” which includes statutory subject matter under In re Bilski. Independent claim 33 recites “steps ..., executed by a computer,” which includes statutory subject matter under In re Bilski. Independent claim 37 recites “performed by a processor,” which includes statutory subject matter under In re Bilski. Accordingly, these independent claims, as well as claims 3-9, 12, 13, 17, 22-28, 30-32, and 36 that depend from the independent claims, are statutory, and the rejection of these claims should be withdrawn.

The Board Should Reverse the Rejection Under 35 U.S.C. § 103 (a)

Appellants respectfully request the Board to reverse the Examiner’s rejections of claims 1, 3-9, 12-14, 17, 18, 20, 22-28, 30-33, 36, and 37 under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Lee*. A *prima facie* case of obviousness has not been established with respect to any of these claims..

Independent claim 1, recites “[a] passer element [that] processes ... data for input to said generating element.” Further, independent claim 1 recites that the processing includes “interpreting ... said set of customized meta data” and “translating said ... data into customized business process data for input into said generating element.” *Lee* fails to disclose or suggest at least these recited elements of independent claim 1.

In *Lee*, “the design program 26 [is used] to create a system design for a new software application.” Paragraph [0035]. Specifically, in *Lee*, “the design program 26 prompts the designer for elements of the system design and stores those elements as a design database file 34 which is stored in the design database 30.” *Id.* Further, “the design database file 34 created by the design program 26 **is passed to the generator program 28** where it is reformatted as an extensible markup language (XML) meta document” (emphasis added). *Id.* That is, in *Lee*, generator program 28 merely receives processed information from design program 26. The generator program 28 of *Lee*, however, does not send any information to design program 26. As such, contrary to the Examiner’s allegation, the generator program 28 of *Lee* is not analogous to the claimed “passer element,” at least because it does not “process[] ... **data for input to**” design program 26 (emphasis added).

Additionally, as mentioned above, generator program 28 of *Lee* does not send, but only receives, information from the design program 26. Thus, generator program 28 of *Lee* does not constitute the claimed “passer element,” which further “interpret[es] ... said set of customized meta data” and “translat[es] said ... data into customized business process data **for input into said generating element,**” as recited in claim 1 (emphasis added). Therefore, *Lee* does not teach or even suggest all of the elements of claim 1 for at least the above reasons.

In view of the foregoing, the Final Office Action has neither properly determined the scope and content of the prior art, nor ascertained the differences between the claimed subject matter and the prior art. For at least this reason, no *prima facie* case of

obviousness has been established. The rejection of independent claim 1 under 35 U.S.C. § 103(a), as being obvious over *Lee*, is thus improper and should be withdrawn.

Further, independent claims 14, 18, 20, 33, 37, although differing in scope from independent claim 1, recite similar elements and are therefore allowable for at least reasons similar to those set forth above for independent claim 1. Claims 3-9, 12, 13, 17, 22-28, 30-32, and 36 depend from the independent claims.

CONCLUSION

For at least the reasons given above, pending claims 1, 3-9, 12-14, 17, 18, 20, 22-28, 30-33, 36, and 37 are allowable over the prior art. Therefore, Appellants respectfully request the Board to reverse the Examiner's rejection of these claims.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this Appeal Brief, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

(Philip J. Hoffmann)
76,340

Dated: December 30, 2009

By: 

Samuel Leung
Limited Recognition Certificate No.
L0345
(202) 408-4000

VIII. Claims Appendix to Appeal Brief Under Rule 41.37(c)(1)(viii)

1. A business application generation system, comprising:

a central processing unit;

a repository comprising a set of meta data, said set of meta data comprising structured information on a business process, said structured information comprising information on functions operating on business process data;

a generation tool comprising a first tool and a second tool, said first tool being a meta data dependent passer element and said second tool being a meta data independent generating element, said generation tool generating, based on at least said set of meta data in said repository, a customized business process application for said business process; and

input/output means for treating said set of meta data in said repository and for invoking said generation tool, said input/output means being a workbench enabling customization of said set of meta data to generate customized meta data in said repository, wherein:

said workbench enables an invocation of said generation tool by initiating an import of said customized meta data into said passer element, said passer element processes said customized meta data for input to said generating element, said processing comprising:

interpreting a semantical content of said customized meta data; and

translating said semantical content of said customized
meta data into customized business process data for input
into said generating element; and
said generating element generates, on the basis of
said processed meta data, program code for said
customized business process application.

2. (Cancelled).

3. The system of claim 1, wherein said set of meta data in said repository
consists of data base tables containing meta data entities.

4. The system of claim 3, wherein said meta data entities contain information
on an identification of said customized business process application, on object types
and on object structures.

5. The system of claim 4, wherein said object types contain information on
said business process data to be processed by said customized business process
application and on said functions operating on said business process data.

6. The system of claim 1, wherein said business process is a billing process.

7. The system of claim 1, wherein said business process is a bonus payment process.

8. The system of claim 1, wherein said business process is a commission payment process.

9. The system of claim 1, wherein said customization enabled at said workbench comprises at least one of viewing, creating, adding, deleting, changing, and inheriting said repository meta data.

10.-11. (Cancelled).

12. The system of claim 1, wherein said generating element further generates data objects for said customized business process application.

13. The system of claim 1, wherein said generating element further generates a data base for said customized business process application.

14. A computer-based method, comprising the steps, performed by a computer, of:

providing a set of meta data comprising structured information on a business process, said structured information comprising information on functions operating on business process data;

customizing said set of meta data via an input/output means before said meta data is imported into a generation tool, said generation tool comprising a meta data dependent passer element and a meta data independent generating element for generating a customized business software application;

importing said customized meta data comprising information on functions into said passer element of said generation tool;

processing said customized meta data imported into said generation tool in said meta data dependent passer element, wherein said processing comprises:

interpreting a semantical content of said customized meta data; and

translating said semantical content of said customized meta data into customized business process data for input into said generating element; and

inputting said processed meta data into said generating element.

15.-16. (Cancelled).

17. A method of claim 14, further comprising generating program code for said customized business process application on the basis of said processed meta data.

18. A computer program product comprising a computer readable storage medium, the computer readable storage medium storing instructions that, when executed by a processor, perform a method, the method comprising steps, performed by the processor, of:

customizing a set of meta data comprising information on functions via an input/output means before said meta data is imported into a generation tool, said generation tool comprising a meta data dependent passer element and a meta data independent generating element;

importing said customized meta data into said passer element of said generation tool; and

on the basis of said set of meta data, processing said customized meta data in said passer element, inputting said processed meta data in said generating element, and generating a customized business software application based on said processed metadata, wherein said processing comprises:

interpreting a semantical content of said customized meta data; and

translating said semantical content of said customized meta data into customized business process data for input into said generating element.

19. (Cancelled).

20. A business application generation system, comprising:

a central processing unit;

a repository comprising a set of meta data, said set of meta data comprising structured information on an existing business process and on functions operating on data of said existing business process;

a generation tool comprising a first tool and a second tool, said first tool being a meta data dependent passer element and said second tool being a meta data independent generating element, said generation tool generating, based on at least said set of meta data in said repository, a customized adapted version of an existing business process application; and

input/output means for treating said set of meta data in said repository and for invoking said generation tool, said input/output means being a workbench enabling customization of said set of meta data to generate customized meta data in said repository, wherein:

said workbench enables an invocation of said generation tool by initiating an import of said customized meta data into said passer element;

said passer element processes said set of customized meta data for input to said generating element, said processing comprising:

interpreting a semantical content of said customized meta data; and

translating said semantical content of said customized meta data into customized business process data for input into said generating element; and

said generating element generates, on the basis of said set of processed meta data, program code for said customized adapted version of said existing business process application.

21. (Cancelled).

22. The system of claim 20, wherein said set of meta data in said repository consists of data base tables containing meta data entities.

23. The system of claim 22, wherein said meta data entities contain information on an identification of said customized adapted version of said existing business application, on object types, and on object structures.

24. The system of claim 23, wherein said object types contain information on said business process data and on functions operating on said business process data.

25. The system of claim 20, wherein said existing business process is a billing process.

26. The system of claim 20, wherein said existing business process is a bonus payment process.

27. The system of claim 20, wherein said existing business process is a commission payment process.

28. The system of claim 20, wherein said customization enabled at said workbench comprises at least one of viewing, creating, adding, deleting, changing, and inheriting said repository meta data.

29. (Cancelled).

30. The system of claim 20, wherein said generating element generates, on the basis of said processed meta data, program code for said customized adapted version of said existing business process application.

31. The system of claim 30, wherein said generating element further generates data objects for said customized adapted version of said existing business process application.

32. The system of claim 30, wherein said generating element further generates a data base for said customized adapted version of said existing business process application.

33. A computer-based method, comprising the steps, executed by a computer, of:

providing a set of meta data comprising structured information on a business process, said structured information comprising information on functions operating on business process data;

customizing said set of meta data via an input/output means before said meta data is imported into a generation tool, said generation tool comprising a meta data dependent passer element and a meta data independent generating element for generating a customized adapted business software application;

importing said customized meta data comprising information on functions into said passer element of said generation tool;

processing said customized meta data imported into said generation tool in said passer element, wherein said processing comprises:

interpreting a semantical content of said customized meta data; and

translating said semantical content of said customized meta data into customized business process data for input into said generating element; and

inputting said processed meta data into said generating element.

34-35. (Cancelled).

36. A method of claim 33, further comprising generating program code for said customized adapted business process application on the basis of said processed meta data.

37. A computer program product comprising a computer readable storage medium, the computer readable storage medium storing instructions that, when

executed by a processor, perform a method, the method comprising the steps,
performed by a processor, of:

customizing a set of meta data via an input/output means before said meta data
is imported into a generation tool, said generation tool comprising a meta data
dependent passer element and a meta data independent generating element;

importing said customized meta data into said meta data dependent passer
element of said generation tool; and

on the basis of said set of meta data, processing said customized meta data in
said passer element, inputting said processed meta data in said generating element,
and generating a customized adapted business software application based on said
processed meta data, wherein said processing comprises:

interpreting a semantical content of said customized meta data; and

translating said semantical content of said customized meta data
into customized business process data for input into said generating
element.

38. (Cancelled).

IX. Evidence Appendix to Appeal Brief Under Rule 41.37(c)(1)(ix)

None.

X. Related Proceedings Appendix to Appeal Brief Under Rule 41.37(c)(1)(x)

None.